

II. REMARKS

Claims 1-17 are pending in the instant application, and all of the pending claims are rejected. Applicants herein make a minor change to claim 1 by adding the term "thereby binding said taint compound to said polymeric material" to more particularly describe the novel and inventive features of the instant invention. No issue of new matter arises by way of this change as the recitation merely describes the interaction of the first component of the invention with the taint compounds, an interaction that is fully described in the specification.

Regarding the Search Report

Applicants submit herewith copies of the references cited in the International Search Report with a Form PTO-1449 listing the same.

Rejection under the judicially created doctrine of obviousness type double patenting

The Examiner provisionally rejects claims 1-17 under the judicially created doctrine of obviousness type double patenting. Applicants submit that they will consider filing a Terminal Disclaimer to obviate the provisional rejection upon notification of allowable subject matter. The rejection being provisional dictates that no immediate action is necessary.

Rejection Under 35 USC 102(b)

The Examiner rejects claims 1-17 as unpatentable over Feder, US Pat. No. 5,140,061. Applicants hereby traverse the rejections and request reconsideration of the claims for the following reasons. Applicants previously explained that the silicone dispersion of Feder comprises the α - ω -(dihydroxy)polydiorganosiloxane (component A) crosslinked into an elastomeric state upon removal of water under ambient conditions with a silane comprising a hydrolyzable amino or amido radical (component B) (*citing*, Feder, Column 3 and claim 1). The terminal hydroxy groups of the α - ω -(dihydroxy)polydiorganosiloxane react with the hydrolyzable amino or amido groups of the silane to form the crosslinked elastomeric product. There is ***no teaching or suggestion*** that the product itself of this crosslinking reaction comprises ***reactive groups that are free to react with flavor-active or odor-active taint compounds***. Hence, the compositions of Feder lack one of the basic components of the compositions of the present invention, namely a “first functional groups which react with at least one flavour-active or odour-active taint compound.”

The Examiner replies that the reaction product of Feder contains -NH groups that would react with flavor-active or odor-active taint compounds and that there is no showing in the present specification that the reactive polymers of the present invention react with flavor-active or odor-active compounds. Applicants understand that the Examiner is likely pointing out that there is no data in the application supporting the sensory evaluation tests described at page 13, *et seq.* of the specification. Applicants submit herewith data in the form of a Rule 132 Declaration demonstrating the reactivity of the reactive polymers. The results are of reactivity trials demonstrating the reactivity of A151 – vinyl, A174 – methacryl, A189 – thiol, A1100 – primary amino, A1120 – primary and secondary amino, A1170 – secondary amino, and Z6040 – epoxy. Applicants submit that while the compounds of Feder are cross-linked polymers and although the cross-linked polymers comprise amino

groups which *may* have an affinity to react with the trichloro anisole (TCA), those groups may not be easily accessible to the TCA molecule. In short, the Examiner is merely speculating and has shown no evidence that the reaction product of Feder contains -NH groups that would react with flavor-active or odor-active taint compounds. Speculation absent facts cannot serve as the basis for a rejection under 35 U.S.C. 102(b). It is a central tenet of the patent law that a single reference must disclose each and every feature of the invention as claimed in order to serve as a proper basis for a rejection under 35 U.S.C. 102.

Applicants believe that that the foregoing remarks are sufficient to overcome the rejections. Applicants therefore request withdrawal of the rejections and reconsideration of the claims.

Fees

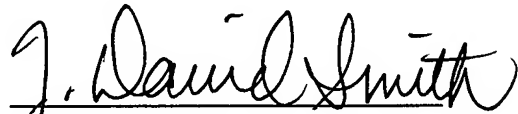
No fees are believed to be necessitated by the instant Response. However, should this understanding be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or to credit any overpayments.

III. CONCLUSION

Applicants respectfully request entry of the foregoing Amendments and Remarks into the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and withdrawal of all of the outstanding rejections is therefore believed in order. Early and favorable action on the claims is earnestly solicited. Should a discussion be helpful in resolving any outstanding issues, the Examiner is invited to telephone the undersigned at (201) 487-5800.

Respectfully submitted,

KLAUBER & JACKSON

A handwritten signature in cursive script that reads "J. David Smith". The signature is written in dark ink and is positioned above a horizontal line.

J. David Smith
Attorney for Applicants
Registration No. 39,839

KLAUBER & JACKSON
411 Hackensack Avenue
Hackensack NJ 07601
Tel: (201) 487-5800